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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,532	04/25/2001	Charles J. Gonsalves JR.	TI-30664	7492

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EXAMINER

RAMAN, USHA

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/842,532

Applicant(s)

GONSALVES, CHARLES J.

Examiner

Usha Raman

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6 and 10-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6 and 10-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 4-6 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 10, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Budge et al. (US Pat. 6,014,689).

In regards to claims 1, 10 and 14, Budge discloses a method of video messaging comprising:

In a transmission station:

Recording a combined audio/video message in a digital form (see abstract, column 1, lines 37-41, column 3, lines 35-38);

Generating a digital data attachment file (see column 4, lines 47-50);

Transmitting the recorded combined audio/video message and the digital data attachment file to a predetermined reception station (column 1, lines 42-44);

In a reception station:

Storing a received combined audio/video message and digital data attachment file in a nonvolatile memory (see column 5, lines 53-60, line 67-column 6, line 3); and

At a time other than reception of the combined audio/video message, displaying the stored combined audio/video message to a user (see column 2, lines 15-19, column 4, lines 35-41, column 6, lines 13-14).

At a time other than the reception of the combined audio/video message, presenting the digital data attachment file in a manner perceivable by a user (see column 4, lines 35-41).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6, 11-13, 15-17 are rejected as being unpatentable over Budge et al. (US Pat. 6,014,689)

In regards to claims 4, 11 and 15, Budge does not disclose the step of attaching a word processing document; and presenting the attachment file by running a word processing program compatible with the word processing document.

Examiner takes official notice that it was well known at the time of the invention to attach word processing documents with e-mail; and presenting the word processing document by running a word processing program (such as Microsoft Word) compatible with the word processing document.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Budge, by attaching a word processing document with the video mail, thereby allowing the sender to send additional memos to the recipient.

In regards to claims 5, 12, and 16, Budge does not disclose the step of attaching a spreadsheet document; and presenting the attachment file by running a spread sheet program compatible with the spread sheet document.

Examiner takes official notice that it was well know at the time of the invention to attachment spread sheet documents with e-mail; and presenting the spread sheet document by running a spread sheet program (such as Microsoft Excel) compatible with the spread sheet document.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Budge, by attaching a spread sheet document with the video mail, thereby allowing the sender to send additional charts to the recipient.

In regards to claims 6, 13 and 17, Budge is silent about attaching in a transmission system, digital data attachment file consisting of audio file separate from audio of the combined audio/video message and in the reception system, presenting the digital data attachment file by generating an aurally perceivable indication of the audio file separate from the audio of the combined audio/video message Examiner takes official notice that it was well known at the time of the invention to attach sound data, in addition to audio/video data to an email message.

It would have been obvious to one of ordinary skill in the art to modify the system of Budge by attaching a sound data separate from the audio of the combined audio/video message, to transmit additional audio data.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dawson (US Pat. 6,252,588) discloses a system for providing a combined audio/visual message (see abstract), and discusses the well known prior art systems for attaching various types of digital data, including sound data (see column 2, lines 36-49).

Hubert (US Pat. 6,366,949) discloses prior art email systems including digital document attachments such as word processing documents and executable programs (see column 1, lines 29-32).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action


is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

UR


CHRIS KELLEY
AUTHENTICATED PATENT EXAMINER
571-273-8300